

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA

**U.S.A. vs. DAVID L. HERSH**

**Docket No. 5:13-CR-48-1D**

**Petition for Action on Supervised Release**

COMES NOW Erica W. Foy, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of DAVID L. HERSH, who, upon an earlier plea of guilty to Securities Fraud, 15 U.S.C. §§ 78j(b) and 78ff, was sentenced by the Honorable James C. Dever III, Chief U.S. District Judge, on June 4, 2014, to the custody of the Bureau of Prisons for a term of 12 months and 1 day. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months.

DAVID L. HERSH was released from custody on May 29, 2015, at which time the term of supervised release commenced. On August 6, 2015, his conditions were modified to include mental health counseling, which he has been participating in since that time.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

On October 18, 2017, the defendant was charged in Knightdale, North Carolina, with misdemeanor Larceny from Walmart. On November 22, 2017, Hersh was charged in Raleigh, North Carolina, with Shoplifting Concealment and Injury to Property from Belk Men's Store at Crabtree Valley Mall. The defendant was confronted with both of these incidents and tried to present them to the probation officer as misunderstandings; however, in each incident, he admitted to the store that he had committed the offenses. In order to assist the defendant with his decision making, we recommend referring him to a cognitive behavioral program. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall participate in a cognitive behavioral program as directed by the probation office.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing  
is true and correct.

/s/Jeffrey L. Keller

Jeffrey L. Keller

Supervising U.S. Probation Officer

/s/ERICA W. FOY

ERICA W. FOY

U.S. Probation Officer

310 New Bern Avenue, Room 610

Raleigh, NC 27601-1441

Phone: 919-861-8665

Executed On: December 13, 2017

DAVID L. HERSH  
Docket No. 5:13-CR-48-1D  
Petition For Action  
Page 2

ORDER OF THE COURT

Considered and ordered this 19 day of December, 2017, and ordered filed and made a part of the records in the above case.

James C. Dever III  
James C. Dever III  
Chief U.S. District Judge